

UNITED STATES DISTRICT COURT
for
Western District of Washington

Report on Defendant Under Pretrial Services Supervision

Date of Report: 06/16/2021

Name of Defendant: Ephraim Rosenberg

Case Number: 2:20-cr-00151-RAJ-001

Name of Judicial Officer: The Honorable Brian A. Tsuchida, United States Magistrate Judge

Original Offense: Count 1: Conspiracy

Count 2: Conspiracy to Commit Wire Fraud

Counts 3 – 9: Wire Fraud

Date Supervision Commenced: 10/16/2020

Bond Conditions Imposed:

- Travel is restricted to the Western District of Washington, the Southern District of New York, and the Eastern District of New York, or as directed by Pretrial Services.
- Surrender all current and expired passports and travel documents to the court. Do not apply for/obtain a new passport or travel document from any country without permission of the court. If the surrendered passport is a foreign passport, it shall be forwarded to Immigration and Customs Enforcement if defendant is convicted of an offense, unless otherwise ordered by the Court.
- Maintain residence as directed. Do not change residence without prior approval of Pretrial Services or as directed by Pretrial Services.
- Maintain employment, or, if unemployed, actively seek employment as directed by Pretrial Services.
- You shall not have direct contact or indirect contact with any existing and/or future co-defendant(s) in this case.
- You shall not have direct contact or indirect contact with any existing and/or future witnesses in this case.
- The defendant shall abide by all federal, state, and local directives regarding the COVID-19 pandemic.

NONCOMPLIANCE SUMMARY

The defendant has not complied with the following conditions of supervision:

Nature of Noncompliance

1. Mr. Rosenberg violated a special condition of his appearance bond requiring he not have any direct or indirect contact with any existing or future witnesses in this case, by having electronic contact with Jason Noggle.

PETITIONING THE COURT

To modify the conditions of supervision

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ADD:

No direct or indirect contact between the defendant and any current or previously known Amazon employees in seller support or investigations; this provision does not prohibit others, such as the defendant's clients, from contacting Amazon through normal business channels and programs for legitimate business purposes.

CAUSE

In late March of 2021, I received notice Mr. Rosenberg had sent an email to Jason Noggle. Mr. Noggle is a person with Amazon that the defendant had contact with during the alleged conduct in the instant offense and has been identified as a potential witness in the case. The contact was direct via email, and Mr. Rosenberg relayed his intent was a genuine concern for Mr. Noggle's safety. Mr. Noggle perceived the message as a veiled threat. Mr. Rosenberg was addressed through defense counsel and reminded if there are genuine concerns, they should be relayed through defense counsel and direct or otherwise indirect contact is not appropriate.

Over the course of the following months, the parties worked together to formulate the above-proposed condition that we believe will further clarify who Mr. Rosenberg may and may not have contact with, while still enabling him to continue in his consulting business. I respectfully request the Court modify the defendant's bond as indicated above.

I consulted with Assistant United States Attorneys, Steven Masada and Nicholas Manheim, as well as defense counsel, Peter Offenbecher, and they concur with my recommendation.

I swear under penalty of perjury that the foregoing is true and correct.

Executed on this 16th day of June, 2021.



Erin O'Donnell
 United States Probation Officer

APPROVED:

Monique D. Neal
 Chief United States Probation and Pretrial Services Officer

BY:



Patrick E. Robertson
 Supervising United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND DIRECTS:

- Modify the Conditions as noted above
- The Issuance of a Summons (conditions of supervision shall remain in effect pending final adjudication)
- Other



Brian A. Tsuchida, United States Magistrate Judge



Date